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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/503,140	02/11/2000	Tsuneo Hayashi	SONY-T0130	6142
33448	7590	01/15/2004	EXAMINER	
ROBERT J. DEPKE LEWIS T. STEADMAN HOLLAND & KNIGHT LLC 131 SOUTH DEARBORN 30TH FLOOR CHICAGO, IL 60603				TORRES, JOSEPH D
		ART UNIT		PAPER NUMBER
		2133		
DATE MAILED: 01/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/503,140	HAYASHI ET AL.
	Examiner	Art Unit
	Joseph D. Torres	2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 19 December 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-3,5-7,19,20,24 and 26 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) \_\_\_\_\_ is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) 1-3,5-7,19,20,24 and 26 are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 20 May 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s). 20.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-3, 5-7, 19 and 20, drawn to Adjustment of a Laser Diode or a Signal Applied to the Diode to Reduce Error Rate, classified in class 714, subclass 708.
- II. Claim 24, drawn to Adjustment of Filter Characteristics of a Filter Employed for Reading User Data to Reduce Error Rate, classified in class 714, subclass 704.
- III. Claim 26, drawn to Adjustment of Inclination of a Disk Storage Media to Reduce Error Rate, classified in class 714, subclass 707.

The inventions are distinct, each from the other because of the following reasons:

Inventions Group I, Adjustment of a Laser Diode or a Signal Applied to the Diode to Reduce Error Rate, and Group II, Adjustment of Filter Characteristics of a Filter Employed for Reading User Data to Reduce Error Rate, are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group I, Adjustment of a Laser Diode or a Signal Applied to the Diode to Reduce Error Rate, has separate utility and separate mechanics for implementing a mechanism to adjust a laser diode or a signal applied to the laser diode. In the instant case, invention

Group II, Adjustment of Filter Characteristics of a Filter Employed for Reading User Data to Reduce Error Rate, has separate utility and separate mechanics for implementing a mechanism to adjust a filter employed in the reading of a signal. See MPEP § 806.05(d).

Inventions Group I, Adjustment of a Laser Diode or a Signal Applied to the Diode to Reduce Error Rate, and Group III, Adjustment of Inclination of a Disk Storage Media to Reduce Error Rate, are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group I, Adjustment of a Laser Diode or a Signal Applied to the Diode to Reduce Error Rate, has separate utility and separate mechanics for implementing a mechanism to adjust a laser diode or a signal applied to the laser diode. In the instant case, invention Group III, Adjustment of Inclination of a Disk Storage Media to Reduce Error Rate, has separate utility and separate mechanics for implementing a mechanism to adjust the inclination of a disk storage media. See MPEP § 806.05(d).

Inventions Group II, Adjustment of Filter Characteristics of a Filter Employed for Reading User Data to Reduce Error Rate, and Group III, Adjustment of Inclination of a Disk Storage Media to Reduce Error Rate, are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group II,

Adjustment of Filter Characteristics of a Filter Employed for Reading User Data to Reduce Error Rate, has separate utility and separate mechanics for implementing a mechanism to adjust a filter employed in the reading of a signal. In the instant case, invention Group III, Adjustment of Inclination of a Disk Storage Media to Reduce Error Rate, has separate utility and separate mechanics for implementing a mechanism to adjust the inclination of a disk storage media. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II and vice a versa, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group III and vice a versa, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group III and vice a versa, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

A telephone call was made to Robert Depke on 13 January 2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Torres whose telephone number is (703) 308-7066. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decay can be reached on (703) 305-9595. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-746-7240.

Joseph D. Torres, PhD  
Art Unit 2133